

3. The controlled substance that FRANK FONTANA and MICHAEL BESTWINA, the defendants, conspired to distribute and possess with intent to distribute were mixtures and substances containing

detectable amounts of the anabolic steroids testosterone and nandrolone, each a Schedule III controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(E).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the offense alleged in Count One of this Indictment, FRANK FONTANA and MICHAEL BESTWINA, the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

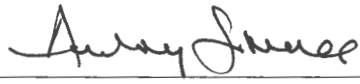
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


Dpry FOREPERSON


AUDREY STRAUSS
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FRANK FONTANA, and
MICHAEL BESTWINA,

Defendants.

SEALED
INDICTMENT

21 Cr.

(21 U.S.C. § 846.)

AUDREY STRAUSS
United States Attorney

Angella Ducco
Dpty Foreperson
